

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

REGINALD D. SEVAYEGA,)	CASE NO. 1:05CV1059
)	
PETITIONER - APPELLANT,)	
)	
v.)	JUDGE PETER C. ECONOMUS
)	
ADULT PAROLE AUTHORITY,)	
)	
RESPONDENT - APPELLEE.)	MEMORANDUM OPINION
)	AND ORDER

On April 26, 2005, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 challenging the constitutionality of his criminal conviction. This case was referred to Magistrate Judge Patricia A. Hemann for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and LR 72.2(b)(2). (Dkt. #6). Respondent filed a Motion to Dismiss on September 7, 2005. (Dkt. #8). On October 28, 2005, Magistrate Judge Hemann filed a report recommending that the Court grant Respondent's motion and dismiss Petitioner's application for habeas corpus. (Dkt. #10). On November 7, 2005, Petitioner filed objections to this recommendation and a Motion for Recusal of Magistrate Judge Hemann. (Dkt. #12, 13).

The Court has reviewed the report and recommendation of the Magistrate Judge, *de novo*. The Court finds that the report and recommendation (Dkt. #10) is well-supported and that Petitioner's objections are without merit. Therefore, Magistrate Judge Hemann's report

and recommendation is hereby **ADOPTED** and Petitioner's objections are overruled.

Accordingly, Respondent's Motion to Dismiss is **GRANTED**. Petitioner's Writ of Habeas Corpus is **DENIED** and this matter is **DISMISSED**. Petitioner's Motion for Recusal of Magistrate is therefore **MOOT**. Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Peter C. Economus - February 3, 2006
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE